

APPEAL NO. 021700  
FILED AUGUST 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 21, 2002. The CCH covered two claims consolidated for the purposes of the CCH and judicial economy. The appellant (claimant) withdrew his disputes with respect to the issues in (docket 1), and the parties were informed that the issues would be resolved against the claimant. Those determinations were: (1) the claimant did not sustain a compensable injury on \_\_\_\_\_; (2) the respondent (carrier) was relieved from liability under Section 409.002 because of the claimant's failure to timely notify his employer pursuant to Section 409.001; and (3) the claimant did not have disability. With respect to (docket 2), the hearing officer resolved the sole disputed issue by deciding that the claimant's \_\_\_\_\_, compensable injury to his head and neck did not include an injury to his low back. The claimant appealed on sufficiency grounds, and the carrier responded, requesting affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's \_\_\_\_\_, compensable injury did not include an injury to the low back. It appears to be undisputed that on the date of injury, the claimant sustained a compensable injury to his head and neck when a piece of equipment fell from some distance and struck him on the head. However, the hearing officer determined that the claimant failed to show any "nexus" between whatever low back injury he had and the \_\_\_\_\_, incident. The hearing officer also opined that she found the claimant inconsistent and not credible in his testimony. The carrier argued that the claimant was not credible and that he had a preexisting low back injury.

The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). The hearing officer resolved the disputed issue, extent of injury, in the carrier's favor. While the claimant argued a different interpretation of the evidence, we conclude that the hearing officer's determination is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The official name of the carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Michael B. McShane  
Appeals Judge